Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection
Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

August 24, 2015

Mr. Christopher October, Environmental Manager
Browning-Ferris Industries, Inc. (MA)
1080 Airport Road
Fall River, Massachusetts 02720

RE: FINAL PERMIT DECISION
Application for: BWP SW 25
Corrective Action Design (CAD)
Landfill Final Closure
Uncapped Buried Waste Area (aka Off-Site Waste Area)
Transmittal Number: X264598

AT: BFI Fall River Landfill
1080 Airport Road
Fall River, MA 02720
Facility Number: 132278
Regulated Object No. 172513

Dear Mr. October:

The Massachusetts Department of Environmental Protection ("MassDEP") has completed its technical review of the Corrective Action Design ("CAD") permit application (the "Application") listed above regarding final closure of the "Uncapped Buried Waste Area"[1] of the Browning-Ferris Industries ("BFI") Fall River Landfill ("Landfill") and determined that the Application is technically complete. MassDEP hereby issues a Final Permit Decision on the Application.

The Application was prepared on behalf of Browning-Ferris Industries, Inc. (MA) ("BFI" or the "Applicant") by SITEC Environmental, Inc. (the "Consultant") of Marshfield, Massachusetts and submitted to MassDEP on June 24, 2015.

(Note 1: The area referred to as the Uncapped Buried Waste Area in the Application is referred to as the Off-Site Waste Area in ACO-SE-15-4001 (the "ACO") and this Approval.)

APPLICATION REVIEW AND DECISION PROCESS:

The Application was submitted and reviewed pursuant to the provisions of 310 CMR 19.029(2): *Applicable Permit Procedures* and 310 CMR 19.033: *Permit Procedure for an Application for a Permit Modification or Other Approval*. According to these review procedures, MassDEP's decision regarding the proposed activities shall be either: a "Provisional Decision" pursuant to 310 CMR 19.033(4)(a); or a non-provisional decision pursuant to 310 CMR 19.033(4)(b).

MassDEP determined that a "Provisional Permit Decision", was appropriate for purposes of obtaining public comments and issued a Provisional Decision on July 14, 2015. In accordance with 310 CMR 19.033(4)(a), MassDEP accepted written comment on the Provisional Permit Decision for a period of twenty-one (21) days until August 5, 2015. No comments were received during the public comment period.

APPLICATION SUMMARY:

The following submittals represent the complete Application reviewed by MassDEP.

The Application consisted of transmittal form assigned number X264598, application form: BWP SW 25, Corrective Action Design, an Engineering Report, a Construction Quality Assurance Plan, a Grading and Shaping materials management Plan, Summary Specifications, and a set of Project Design Drawings, contained within a bound document entitled:

BFI Fall River Landfill
Application For:
Corrective Action Design
Landfill Final Closure
Uncapped Buried Waste Area
June 23, 2015
Transmittal No. X264598

On July 7, 2015, SITEC submitted a copy of the City of Fall River Conservation Commission Order of Conditions.

DEPARTMENT REVIEW

MassDEP has reviewed the submitted information in accordance with the requirements established at 310 CMR 19.000: *Solid Waste Management Regulations* (the "Regulations"); MassDEP's: *Landfill Technical Guidance Manual*, as revised May 1997, (the "Manual"); and applicable guidelines and policies. The applicable guidelines and policies include: MassDEP's "*Revised Guidelines for Determining Closure Activities at Inactive Unlined Landfill Sites*" ("Guidelines") dated July 6, 2001, as amended on September 4, 2007 and MassDEP's *Policy #COMM-97-001* "*Reuse and Disposal of Contaminated Soil at Massachusetts Landfills*" (Policy # COMM-97-001") dated August 15, 1997.

As a result of its review, MassDEP has determined that the submitted CAD application is technically complete and complies with the applicable requirements concerning the closure and capping of the Landfill. Accordingly, MassDEP hereby approves the Application. The following are descriptions of the site and the proposed and approved closure/capping of the Off-Site Waste Area.

PROJECT BACKGROUND:

In 1966, the City of Fall River leased property located off of Airport Road in Fall River from the Greater Fall River Development Corporation for operation of a solid waste landfill. The City operated the landfill through March of 1983, when the Greater Fall River Development Corporation conveyed approximately 201 acres of property to Fall River Landfill, Inc. which then took over ownership and operation of the existing permitted landfill from the City.

In 1986, Browning-Ferris Industries, Inc. purchased the stock of Fall River Landfill, Inc. In 2001, BFI observed, and reported to MassDEP, a shallow layer of solid waste material beyond the southern limits of the Phase I cap of the existing permitted landfill.

In 2003, BFI excavated test pits within the cleared area between the toe of the Phase I slope and the drainage ditch to the south located on neighboring property identified as Lots 9 and 25, owned by Freeholders Limited Partnership ("Freeholders") and Rex-Cut Products ("Rex-Cut"), respectively. BFI encountered buried waste comprised of municipal solid waste and construction and demolition debris at each location extending to depths between 13 and 20 feet below grade. The test pit survey did not delineate the full lateral extent of the buried waste, which appeared to extend into wooded areas to the south of the drainage ditch on Lots 9 and 25. BFI documented the results of the test pit survey in its Supplemental CSA Report submitted to the MassDEP in 2006.

In 2010, BFI further delineated the lateral extent of the buried waste on Lots 9 and 25 as depicted in a SITEC drawing entitled "Limit of Buried Waste Determination Soil Boring and Test Pit Locations" dated August 24, 2010, (the "Plan"). The soil borings and test pitting show buried waste within the area between the toe of the slope of the Phase I area of the existing permitted landfill and the property boundary, on property owned by BFI adjacent to Lots 9 and 25 (hereinafter referred to as the "On-Property Area"). As depicted on the Plan, the soil borings and test pitting also show buried waste at the rear of Lots 9 and 25 and a small area at the Northwest corner of the City's right of way for Horvitz Road (hereinafter referred to as the "Off-Property Area"). The On-Property Area and the Off-Property Area together comprise the Off-Site Waste Area.

On April 7, 2014, representatives of the MassDEP and BFI met with the Fall River City Council Committee on Health and Environmental Affairs regarding the pending capping and closure of the existing permitted landfill including the results of BFI's Comprehensive Site Assessment ("CSA") and the buried waste in the Off-Site Waste Area. Based upon aerial photographs, plans and other materials, it appears that the waste was placed in the Off-Site Waste Area before 1980, while the City of Fall River was the landfill operator. The City has acquired the Off-Property

Area from Freeholders and Rex-Cut. Proof of property ownership transfer was submitted to MassDEP via e-mail on August 24, 2015.

On November 21, 2014, BFI submitted to the MassDEP a conceptual plan entitled SITEC Environmental Off-Site Waste Area Conceptual Corrective Action Plan dated November 18, 2014 (hereinafter the "Conceptual Corrective Action Plan"). As proposed in the Conceptual Corrective Action Plan, the project would include the following:

i. The existing foot-print of the waste in the Off-Site Waste Area will be reduced to approximately 9.7 acres through the excavation and relocation of waste.
ii. A three (3) year closure timeframe will be established, whereby approved landfill closure grading/shaping materials will be placed in the Off-Site Waste Area during the first two (2) years, in order to achieve proper closure grades/configuration, and during the third and final year, the Off-Site Waste Area's final capping system will be installed.
iii. The total amount of approved Off-Site Waste Area closure grading/shaping materials that would be used to close the Off-Site Waste Area would be approximately 252,000 cubic-yards ("yds3").
iv. Proposed materials to be used for grading and shaping include clean soils, street sweepings, mildly contaminated soils in accordance with the parameters established under MassDEP's Policy #COMM-97-001 dated August 15, 1997, dewatered catchbasin cleanings, and dewatered dredge spoils.
v. When completed, through the use of the approved grading and shaping materials, the final maximum elevation of the capped grading and shaping material in the Off-Site Waste Area will be approximately 248-feet above mean sea level.

On November 24, 2014, pursuant to the MassDEP's Revised Guidelines for Determining Closure Activities at Inactive Unlined Landfill Sites dated July 6, 2001 (the "Guidelines"), BFI and the City sponsored a public information session to describe the Conceptual Corrective Action Plan proposal.

On November 24, 2014, MassDEP established a twenty-one (21) day Public Comment Period that ended on December 16, 2014. During the Public Comment Period, MassDEP received one set of public comments. MassDEP provided the comments to BFI for review. On March 24, 2014, BFI submitted a response to the public comments.

On June 26, 2015, BFI and MassDEP entered into Administrative Consent Order ACO-SE-15-4001 ("ACO"). The ACO established time frames for completion of actions required to be performed regarding assessment and closure of the Off-Site Waste Area, including submittal of an application for a Corrective Action Design, the subject of this approval.

PROJECT PROPOSAL

The Applicant proposes to complete closure of the Landfill as follows:

1. Temporary erosion control devices will be installed on the downgradient side of work areas prior to the start-up of construction activities. These devices will be maintained during the project and until vegetative cover is established to prevent erosion.

2. The existing truck scale located at the Landfill entrance road from Airport Road will continue to be used during the project.

3. An existing leachate tank and load out pad and two manholes will be removed. Leachate header pipes will be abandoned in place. The existing Cell D leachate header line, which was installed above the geomembrane layer of the existing final cover system, will be relocated.

4. The existing foot-print of the Uncapped Buried Waste Area will be reduced to approximately 9.7 acres through the consolidation of approximately 10,000 cubic yards of buried waste materials.

5. A maximum of 252,000 cubic-yards of approved landfill closure grading/shaping materials will be accepted and placed during a 2 year period. (refer to Condition #10)

6. Closure activities will occur six days per week, Monday through Friday between the hours of 7:00 AM and 4:00 PM, and on Saturday between the hours of 7:00 AM and 1:00 PM, for approximately 2 years. The estimated average truck traffic generated by the Landfill closure operation is 20 trucks per working day. To account for low and peak periods of materials availability, MassDEP has established a maximum limit of 100 grading and shaping materials deliveries trucks per day. (refer to Condition #11)

7. A landfill final cover system will be installed in phases within 3 years from the date of initial placement of the approved landfill closure grading/shaping materials and will be certified by a Massachusetts Registered Professional Engineer as being constructed in accordance with the approved Application.

8. A post closure monitoring and maintenance plan will be implemented.

WASTE RELOCATION

As part of the Off-Site Waste Area closure, approximately 10,000 cubic yards of existing buried waste will be excavated to the natural ground materials and relocated into the interior portion of the Off-Site Waste Area where grading and shaping materials are to be placed. Prior to performing waste excavation activities, erosion controls will be installed on down-gradient sides of the work area. All waste materials consolidated into the Off-Site Waste Area and waste material left exposed within the excavation area will be covered with approved daily cover materials at the end of each day's operations.

Waste excavation activities will be conducted under the supervision of an Environmental Field Technician who will examine the excavated materials for the presence of restricted materials. The Application included a Hazardous Materials Response Plan. A Health and Safety Plan is required to be submitted to MassDEP prior to the commencement of work. (refer to Condition #5).

Following the excavation and relocation of waste and prior to backfilling the excavation, confirmatory sampling and analysis of the residual soils that remain in the excavation area will be conducted to confirm that no unacceptable levels of contamination remain in the excavated

areas. (see Attachment A) Disturbed areas will be backfilled with clean soils and covered with top soil and seeded.

GRADING AND SHAPING MATERIALS

The Applicant will utilize a maximum of 252,000 cubic yards of materials (compacted volume) which may consist of:

- clean soils;
- street sweepings
- mildly contaminated soils;
- dewatered catch basin cleanings;
- and dewatered dredge spoils.

Contaminated Soils –

Contaminated soils will comply with MassDEP's Policy #COMM-97-001 "Reuse and Disposal of Contaminated Soil at Massachusetts Landfills" (the "Policy") dated August 15, 1997. These soils will be tested prior to delivery for compliance with the criteria contained in the Policy. The classification and acceptance of these soils will be under the supervision and oversight of a Licensed Site Professional ("LSP"). Only soils that comply with the Policy will be accepted and used at the Landfill for grading and shaping material.

MATERIALS ACCCEPTANCE

Prior to any materials being shipped to the Off-Site Waste Area, a materials profile and a certification statement, developed by a LSP, will be submitted to the Applicant for review by the Applicant's LSP to determine the completeness of the profile and the conformance of the materials to the requirements of the Policy. Based on their review, the Applicant's LSP will prepare a letter stating whether the material is acceptable for use as grading and shaping material at the Off-Site Waste Area. The profile, the certification statement, and the Applicant's LSP's letter will be filed at the scale house for reference at the time of materials delivery. The scale attendant will review all profile applications and approvals and all Bills of Lading and all Material Shipping Records and will not accept delivery of any material that does not have an approval or that does not appear to be consistent with the profile information.

The grading and shaping materials may only be accepted at the Off-Site Waste Area, Monday through Friday from 7:00 AM to 4:00 PM, and on Saturday from 7:00 AM to 1:00 PM. Equipment and site maintenance, such as erosion control work, may occur outside of those times. Each source of materials that are shipped to the Landfill requires prior approval by the Applicant. (refer to Condition #13)

The trucks route for accessing the site will be via the established truck routes that were used during the active operation of the BFI Fall River Landfill. The primary route to the site will be from Route 24, north or south, to Exit 8 to Airport Road, along Airport Road through the Industrial Park, and then on Horvitz Road to the site. The secondary route will be from Route

24, north or south, to Exit 9 to Innovation Way, along Innovation Way to Riggenback Road, then to Airport Road and Horvitz Road.

During grading and shaping activities, slopes will be constructed at a maximum slope of 1 foot vertical rise to 3 foot horizontal run. An erosion control barrier will be constructed around the toe of slope perimeter of the work area.

LANDFILL FINAL COVER SYSTEM

The Application includes a Construction Quality Assurance Plan and Technical Specifications which provide the technical information for the project contractor to construct the final cover system and appurtenances in compliance with MassDEP regulations.

The final cover is designed in compliance with 310 CMR 19.112: *Landfill Final Cover Systems*, and CMR 19.140: *Landfill Closure Requirements* of the Solid Waste Management Regulations.

The final cover system will be comprised of the components described below:

- A suitably prepared landfill surface, overlain by;
- A geomembrane subgrade/gas venting layer consisting of 6 inches of sand with a maximum particle size of 3/8 inches and a minimum saturated hydraulic conductivity of 1.0×10^{-3} centimeters per second (cm/sec), overlain by;
- A low permeability layer consisting of a 40 mil high density polyethylene ("HDPE") textured geomembrane cap, overlain by;
- A drainage layer consisting of 12 inches of sand with a maximum particle size of 3/8 inches and minimum saturated hydraulic conductivity 1.0×10^{-2} cm/sec, overlain by;
- A vegetative support layer consisting of at least 12 inches of soil with a maximum hydraulic conductivity of 1.2×10^{-4} cm/sec, and a minimum organic content of 4%.

STORM WATER CONTROL SYSTEM

The final cover system will have stormwater run-off/run-on control features designed to maintain the integrity of the final cover and prevent ponding of water on the areas of the final cover. The final cover stormwater control system will consist of the following components:

- Earthen diversion berms to divert sheet flow run-off to side slope let-down channels;
- Side slope stone-lined let-down channels to convey slope run-off from the diversion berms to the stormwater basins at the toe of the slope;
- Stone-lined drainage channel lined with a rip-rap surface constructed along the inside edge of the Landfill access roads;
- Sub-drains constructed of perforated pipe, installed within the final cover system sand drainage layer at the toe of the sideslopes and at intermediate slope locations associated with the earthen diversion berms at a maximum separation distance of 75 feet in the plateau area and 100 feet on the 3:1 side slopes.

Stormwater runoff will be directed to an existing grass lined perimeter drainage channel that runs along the westerly side of the Landfill to a stormwater detention basin located at the north end of the Landfill.

After review of the proposed project, the City of Fall River Conservation Commission issued an Order of Conditions on May 4, 2015.

LANDFILL GAS COLLECTION SYSTEM

A passive landfill gas vent system has been proposed to be constructed to control landfill gas emissions.

Five passive landfill gas vents will be located in the footprint of the Off-Site Waste Area and will consist of the following:

- A 6-inch diameter vertical, perforated polyvinyl chloride ("PVC") pipe extending through the grading and shaping materials to the bottom of waste or to the groundwater table, whichever is shallower,
- A 6-inch diameter, solid PVC riser connected to the top of the perforated pipe and extending a minimum of 4 feet above the final cover and terminating in a "candy cane" outlet, with an insect screen
- A 40-mil HDPE boot sleeve extrusion welded to the low permeability HDPE geomembrane final cover system liner and secured to the gas collection riser pipe with a gas-tight connection.

FINAL PERMIT DECISION - APPROVAL:

MassDEP has reviewed the information in the Application in accordance with the requirements of 310 CMR 19.140: *Landfill Closure Requirements* and in accordance with the MassDEP's guidance document entitled "Landfill Technical Guidance Manual" (the "Manual"), revised May, 1997. Based on this review, MassDEP has determined that the referenced Application is technically complete.

In accordance with authority granted pursuant to Massachusetts general laws ("M.G.L.") chapter 111, section 150A, MassDEP hereby issues this Final Permit Decision approving the acceptance of grading and shaping material at the Off-Site Waste Area and the construction design for the final closure system of the Off-Site Waste Area as shown on the Application Design Drawings, subject to the following conditions.

1. Site preparation, materials acceptance and handling, Landfill grading, and final cover system construction shall proceed in complete compliance with the submitted and approved Application, MassDEP's regulations, requirements, the Manual, the Policy, or as required by this Approval. There shall be no deviation from this Approval without prior written approval from MassDEP.

2. One copy of the complete Application, a copy of this Approval, contractor submittals required pursuant to the Project Specifications, and up-to-date construction Quality Assurance/Quality

Control, materials profiles, LSP letters, bills of lading, materials shipment records must be available for review at the Landfill at all times during construction.

3. Waste materials exposed during waste relocation activities shall be covered with daily cover material at the end of each workday, or more frequently if necessary to prevent nuisance odor or dust conditions.

4. Prior to accepting any grading and shaping materials at the Landfill, the Applicant shall provide MassDEP with documentation that a Financial Assurance Mechanism ("FAM") has been established in accordance with the provisions of 310 CMR 19.051and Paragraph 22 of the ACO, to provide sufficient funding in order to perform all closure/post-closure monitoring and maintenance activities throughout the closure process and the 30-year post-closure period. The FAM shall be in the amount of two million, two hundred and seventy-five thousand ($2,275,000.00) dollars.

5. The Applicant is responsible to ensure all necessary precautions are taken to protect the health and safety of workers and the general public during construction. A site specific Health and Safety Plan shall be developed and submitted to MassDEP (for its files) prior to the beginning of any construction work. The Health and Safety Plan shall include at a minimum;
    - protocols for monitoring of landfill gas as needed,
    - protocols for modifying work practices if landfill gas is detected at levels deemed unsuitable, and
    - training for all workers conducting construction activities at the Landfill regarding hazards associated with the landfill gas.

6. Pursuant to Paragraph 25 of the ACO, the Applicant shall immediately advise MassDEP in writing of the commencement of the delivery/placement of the approved Landfill closure grading/shaping materials.

7. Pursuant to Paragraph 26 of the ACO, the Applicant shall maintain a daily records management system documenting all materials delivered to and/or shipped from the Landfill/Site as part of the closure/capping project. Amounts of all such materials shall be recorded in units of weight and volume. A copy of all records shall be maintained at the scale house for MassDEP and Board of Health review and copying.

8. Pursuant to Paragraph 27 of the ACO, the Applicant shall provide all necessary equipment in order to maintain the cleanliness of roadways that will be utilized as part of the project.

9. Pursuant to Paragraph 28 of the ACO, all on-site diesel fuel powered construction equipment associated with the project shall be equipped with or suitably retrofitted with oxidation catalysts or particulate traps in order to reduce air pollution emission from the combustion of fossil fuels. Equipment which currently meets EPA Tier 2 and EU Stage 2 Off-Highway Emissions Limits does not require after engine controls.

10. In accordance with Paragraph 7 (T)(iii) of the ACO, the Applicant shall accept and place a maximum of 252,000 cubic yards of in-place, compacted grading and shaping materials in the

landfill. In accordance with Paragraph 7 (T)(iv) of the ACO, grading and shaping materials shall only include clean soils, street sweepings, mildly contaminated soils in accordance with the parameters established under MassDEP's Policy #COMM-97-001 dated August 15, 1997, dewatered catchbasin cleanings, and dewatered dredge spoils.

11. The Applicant shall accept no greater than 20 materials delivery trucks of incoming grading and shaping materials per working day over the project life and shall accept a maximum of 100 delivery trucks per working day. All trucks delivering materials to the Landfill shall be sufficiently covered with a tarp (or other appropriate device) to prevent fugitive dust emissions from the delivery truck when en-route to the landfill. The Applicant shall coordinate delivery schedules with materials generators and haulers to ensure compliance with the 100 vehicle per working day maximum limit.

12. The Applicant shall ensure that delivery vehicles utilize the truck routes identified in the Application. The primary route to the site was identified as Route 24, north or south, to Exit 8 to Airport Road, along Airport Road through the Industrial Park, and then on Horvitz Road to the site. The secondary route was identified as Route 24, north or south, to Exit 9 to Innovation Way, along Innovation Way to Riggenback Road, then to Airport Road and Horvitz Road.

13. The grading and shaping materials shall only be accepted, mixed, graded or otherwise handled, Monday through Friday from 7:00 AM to 4:00 PM, and on Saturday from 7:00 AM to 1:00 PM. Equipment and site maintenance (excluding grading and shaping activities), such as erosion control work, may occur outside of those times.

14. In accordance with Paragraph 7(T) of the ACO and the Application:

    A) The existing foot-print of the Landfill shall be reduced approximately 9.7 acres through the excavation and relocation of waste.

    B) Unless the timeframe is otherwise extended by MassDEP, approved landfill closure grading/shaping materials may only be placed during a period 2 years from the date of initial placement of the approved landfill closure grading/shaping materials, in order to achieve proper closure grades/configuration, and the final capping system shall be installed during the third and final year.

    C) A landfill final cover system shall be completed within 3 years of the effectiveness of this Final Permit Decision.

    D) The final maximum elevation of the capped grading and shaping material in the Off-Site Waste Area will be approximately 248-feet above mean sea level.

15. Confirmatory sampling and analysis of the soils remaining in excavations after waste relocation shall be conducted in accordance with the protocol established in Attachment A to this Final Permit Decision: "Sampling of Excavation Soils at Landfills".

16. During the closure/capping process, should any unacceptable materials, including but not limited to: solid waste, asbestos waste or hazardous waste, be discovered in the incoming material, the unacceptable material shall be properly removed, handled, disposed and/or abated (as deemed necessary). At a minimum, all/any such unacceptable material shall be disposed of at an approved disposal facility in accordance with all applicable requirements. In the event that unacceptable material is discovered, the Applicant shall follow the Health and Safety Plan ("HASP") submitted in the Application, notify the MassDEP and the Fall River Board of Health as soon as possible, but no later than within 24 hours of the situation(s), and state the actions taken or the actions that will be taken to address the situation(s).

17. Pursuant to 310 CMR 19.130(31), two weeks prior to commencement of construction of the final cover, the Applicant shall notify MassDEP, in writing, of pending commencement of construction of the final cover system and shall notify MassDEP again two weeks prior to completion of construction of the final cover system.

18. During construction of the sand drainage layer above the low permeability flexible membrane liner ("FML") layer, the Applicant shall take precautions to protect the FML from damage due to puncture or stress. Wherever possible, the Applicant shall place the drainage material beginning at the toe of slope and progress up-slope. Should site conditions prevent this method of construction, the Applicant shall develop and follow a written protocol for MassDEP review and approval, which ensures that the FML is not punctured or strained. The protocol shall include the requirement that the Applicants' quality assurance/quality control engineer continually observes installation of the drainage layer over the FML.

19. During closure construction the Applicant shall continue to comply with all applicable requirements in 310 CMR 19.130: *Operation and Maintenance* requirements and 310 CMR 19.043: *Standard Conditions*. Odors, dust, erosion, noise or other nuisance conditions shall be kept to a minimum. In the event excessive erosion conditions or a public nuisance condition develops, abatement measures shall be implemented immediately.

20. During closure construction the Applicant shall ensure that a third-party inspector conducts Site inspections bi-monthly and the Applicant shall submit inspection reports to MassDEP pursuant to the requirements of 310 CMR 19.018, and any guidance provided by MassDEP regarding this regulation.

21. Within ninety (90) days of completion of the final cover system construction, a Construction Certification Report shall be submitted to MassDEP pursuant to 310 CMR 19.107, 19.130(31), and 19.140, with a BWP SW 43 permit application. The Construction Certification Report shall include as-built drawings, quality assurance/quality control data, and written certification from the supervising engineer demonstrating that the construction was performed in accordance with MassDEP regulations, requirements, the Manual and the approved design.

22. The Applicant shall fully comply with all applicable local, state and federal laws, regulations and policies. Applicable federal regulations include, but are not limited to, 29 CFR Part 1910, OSHA standards governing employee health and safety in the workplace.

RESERVATION OF RIGHTS:
MassDEP reserves the right to require additional assessment or action, as deemed necessary to protect and maintain an environment free from objectionable nuisance conditions, dangers or threats to public health, safety and the environment. MassDEP reserves all rights to suspend, modify or rescind this permit if it determines the project results in a threat to public health, safety or the environment.

PERMIT LIMITATIONS:
The issuance of the Final Permit Decision is limited to the final closure of the Off-Site Waste Area of the Fall River Landfill and does not relieve the Applicant from the responsibility to comply with all other regulatory or permitting requirements.

RIGHT TO APPEAL

Right to Appeal: This final permit decision was issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.033: *Permit Procedure for an Application for a Permit Modification or Other Approval, of the "Solid Waste Management Regulations*. Pursuant to 310 CMR 19.033(5), any person aggrieved by the final permit decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said permit decision in accordance with the provisions of M.G.L. Chapter 111, Section 150A and M.G.L. Chapter 30A no later than thirty days following the date of issuance of the final permit decision to the applicant. The standing of a person to file an appeal and the procedures for filing such an appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the permit decision by a court of competent jurisdiction, the final permit decision shall be effective in accordance with the terms of 310 CMR 19.033(3).

Notice of Appeal: Any aggrieved person intending to appeal a final permit decision to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include MassDEP Transmittal No. X264598 and shall identify with particularity the issues and reason why it is believed the final permit decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office which processed the permit application, if applicable, at least five days prior to filing of an appeal. The appropriate addresses to send such notices are:

Office of General Counsel
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Regional Director
Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

No allegation shall be made in any judicial appeal of a final permit decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in 310 CMR 19.000, provided that a matter may be raised upon showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.

Please contact me at (508) 946-2847 or Dan Connick at (508) 946-2884 if you have any questions. In all written responses please reference Transmittal #X264598.

Very Truly Yours,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Mark Dakers, Chief
Solid Waste Management Section

D/DC

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ATTACHMENT A

Sampling of Excavation Soils at Landfills

Soils at the bottom of excavations from waste relocation areas which are not to be covered by final cover system must be tested to confirm that all waste and contaminated soil has been removed. All areas to be used for stormwater storage must meet applicable Massachusetts Contingency Plan (MCP) Method 1 Soil Category Standards, (310 CMR 40.0975) (i.e. S-1 Soil & GW-1). Any area not to be used for stormwater storage, which does not meet S-1 Soil & GW-1 category standards but does meet S-2 Soil & GW-1 standards, must be backfilled with a minimum of three feet (3') of clean soils or the surface must be completely covered by pavement. The following sampling and analysis protocol must be strictly followed for the soils at the bottom of all waste removal excavations, which will not be covered by the final cover system.

A. Sampling Frequency:
   1. Two (2) composite samples per acre composed of 5 grab samples per composite for inorganic analysis;
   2. Two (2) grab samples per acre for VPH and EPH. Field screen the grabs used to compose the composite sample and collect for organics' analyses the one with the highest reading and/or suspicious color;
   3. At least one composite sample per discreet area of waste removal must be collected and analyzed, (that is, the number of samples cannot determine based on an aggregate acreage).

B. Analytical Parameters:
   1. VPH;
   2. EPH with target polycyclic aromatic hydrocarbons (PAHs);
   3. Polychlorinated biphenyls (PCBs);
   4. a) Inorganics - arsenic, barium, cadmium, total chromium, copper, cyanide, lead, mercury, selenium, silver, and zinc;
      b) Hexavalent chromium if total chromium is greater than 100 mg/Kg
   5. Other parameters, if required by the MassDEP based on any new information regarding types of waste disposed of at this site, or other contamination detected during waste removal.

C. If the results of the testing indicate the concentrations of the parameters analyzed exceed applicable MCP Method 1 Soil Category Standards, then additional soil shall be excavated from the specific area and soil from the excavated area shall be re-sampled and tested at the frequency and for the parameters listed above or shall be addressed in accordance with the MCP.

D. If the results of testing for total metals exceed the theoretical concentrations that could exceed hazardous levels, then the soil shall be retested using the Toxicity Characteristic Leaching Procedure ("TCLP").